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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 LEE V. QUILLAR,

11 Plaintiff,

No. CIV S-04-1203 FCD KJM P

12 vs.

13 CALIFORNIA DEPARTMENT OF  
14 CORRECTIONS, et al.,

15 Defendants.

ORDER

16 Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to  
17 42 U.S.C. § 1983. By order filed September 27, 2006, the United States Marshal was directed to  
18 serve process on defendants in this action, including R.D. Rowlett. On October 23, 2006, the  
19 United States Marshal returned service unexecuted on R.D. Rowlett because said individual is  
20 deceased. In light of the suggestion of R.D. Rowlett's death upon the record, the Clerk of the  
21 Court will be directed to serve a copy of the USM-285 form returned by the Marshal on plaintiff  
22 together with a copy of this order. Service of said form will invoke the ninety day time limit for  
23 filing a motion for substitution pursuant to Federal Rule of Civil Procedure 25(a)(1).

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1                   Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall serve  
2 on plaintiff forthwith a copy of the USM-285 form returned by the United States Marshal on  
3 October 23, 2006 together with this order.

4 DATED: October 30, 2006.

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7 U.S. MAGISTRATE JUDGE

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9 quill1203.deathdef  
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